

Message Text

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PAGE 01 SEOUL 03234 200406Z
ACTION EB-08

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E.O. 11652: N/A
TAGS: EAIR, KS
SUBJ: CIVAIR: ROK EXPORT LICENSE PROCEDURE

REF: STATE 84731

1. AFTER LENGTHY AND PAINSTAKING RESEARCH, INCLUDING DISCUSSIONS WITH CUSTOMS OFFICIALS, AIRLINE REPRESENTATIVES, AND THE HAD OF SEOUL AIR CARGO FORWARDERS ASSOCIATION, EMBASSY HAS ASCERTAINED THE FACTS IN ROK EXPORT LICENSE PROCEDURES.

2. THE PROCEDURES FOR AIR FREIGHT ARE IN ADOPTION OF THOSE USED FOR MANY YEARS FOR OCEAN FREIGHT. WHEN AN EXPORTER APPLIES FOR HIS EXPORT LICENSE AT THE KOREA EXCHANGE BANK, HE IS REQUIRED TO FILL IN THE NAME OF THE SHIPPER AND ITS NATIONALITY ON THE EXPORT DELCARATION. IF THE SHIPPER IS KNOWN AT THAT TIME, WHETHER KOREAN OR FOREIGN, AND SO DESIGNATED, AND SUBSEQUENTLY THE DESIGNATED SHIPPER IS UTILIZED, THERE ARE NO PROBLEMS. IF, AS IN MANY CASES, THE SHIPPER IS UNKNOWN BECAUSE OF THE TIME LEAD FOR EXPORT SHIPMENT, THE EXPORTER IS "ENCOURAGED" TO DESIGNATE THE NATIONAL CARRIER, I.E. KAL, AS SHIPPER BUT THERE IS NO LEGAL REQUIREMENT TO DO SO.

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3. THE REAL DIFFICULTIES AREISE AT THE TIME OF SHIPMENT. IF FOR SOME REASON THE EXPORTER DECIDES TO CHANGE THE DESIGNATED SHIPPER, E.G. LACK OF SPACE, CARRIER NOT SCHEDULED AT THAT TIME, ETC., HE MUST SUBMIT AN APPLICATION FOR CARRIER CHANGE TO THE CUSTOMS AUTHORITIES GIVING THE REASON AND OBTAIN AN ENDORSEMENT.

4. THE REAL DISCRIMINATION AGAINST FOREIGN CARRIERS LIES IN THE ENDORSEMENT PROCEDURE. FOR OCEAN VESSELS THE WAIVER IS ENDORSED BY THE KOREA VESSEL OWNERS ASSOCIATION; FOR AIR FREIGHT KOREAN AIRLINES (KAL) HAS BEEN DESIGNATED. FOREIGN CARRIERS HAVE FOUND THAT KAL EITHER REFUSES OR DELAYS IN THE ENDORSEMENT IF IT HAS BEEN THE ORIGINALLY DESIGNATED CARRIER. MOREOVER, IF THE CHANGE IN SHIPPER IS BETWEEN TWO FOREIGN CARRIERS, I.E. BETWEEN NORTHWEST AND JAPAN AIRLINES, CUSTOMS, IN FACT, HAS NOT REQUIRED ANY ENDORSEMENT AND THE CHANGE IS CARRIED THROUGH TROUBLE FREE.

5. REVISIONS TO THIS PROCEDURE BEING SOUGHT BY THE AIR CARGO FORWARDERS ASSOCIATION ARE TO ALLOW THE SHIPPER RATHER THAN THE EXPORTER TO FILE THE WAIVER APPLICATION, IN ORDER TO EXPEDITE THE PROCESS, AND REMOVE THE ENDORSEMENT REQUIREMENT.

6. EMBOFF SUBSEQUENTLY DISCUSSED THE MATTER WITH PARK CHANG RAI, CHIEF SURVEILLANCE DIVISION, OFFICE OF CUSTOMS, WHO IS IN CHARGE OF THIS MATTER. PARK INQUIRED UNDER WHAT BASIS US EMBASSY COULD INSERT ITSELF INTO INTERNAL ADMINISTRATIVE PROCEDURES OF ROKG BUT DID AGREE TO REVIEW THE ENDORSEMENT REQUIREMENTS WITH CONCERNED OFFICIALS AND INFORM THE EMBASSY AS TO THE RESULT OF THESE DISCUSSIONS WITHIN THE NEXT TWO WEEKS.
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7. EMBASSY WILL REPORT RESULTS OF CUSTOMS REVIEW WHEN OBTAINED. IF THE ENDORSEMENT REQUIREMENT IS IN FACT DROPPED, WE BELIEVE SUFFICIENT REDRESS HAS BEEN OBTAINED.
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